

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

GROUP AGAINST SMOG AND)	
POLLUTION ("GASP"), a)	
Pennsylvania Nonprofit)	Civil Action No. 96-322
Corporation, On Behalf of)	
Itself and Its Members,)	
)	
Plaintiff,)	Judge Donald E. Ziegler
)	Magistrate Robert C. Mitchell
v.)	
)	
CAROL M. BROWNER,)	
ADMINISTRATOR, UNITED STATES)	
ENVIRONMENTAL PROTECTION)	
AGENCY,)	
)	
Defendant,)	
)	
v.)	
)	
U. S. STEEL GROUP, a Unit of USX)	
Corporation,)	
)	
Intervenor/Defendant.)	
)	

**U. S. STEEL GROUP'S, A UNIT OF USX CORPORATION, MOTION TO
INTERVENE**

Intervenor/Defendant U. S. Steel Group, a Unit of USX Corporation ("U. S. Steel"), moves for leave to intervene as a defendant in the above-styled case pursuant to Rule 24 of the Federal Rules Of Civil Procedure and as grounds for this intervention states as follows:

1. U. S. Steel owns the Clairton Works which is located twenty miles south of Pittsburgh in the city of Clairton. Clairton Works, with twelve coke

batteries containing a total of 816 coke ovens, is the largest producer of high-grade metallurgical coke in North America. Clairton Works employs about 1,750 persons and impacts on several thousand additional jobs in the region.

2. The Clairton Works is located in the City of Clairton, one of the five municipalities which comprise the "Liberty Borough Area." The other communities are Glassport, Port Vue, Lincoln and Liberty Boroughs.

3. On September 19, 1995, the United States Environmental Protection Agency ("EPA") published in the Federal Register a request for comments on the proposed reclassification of the "Liberty Borough Area" from moderate to serious nonattainment for PM_{10} .

4. On November 16, 1995, USX filed comments as requested by EPA requesting a review of one monitor located in Lincoln Borough called the Lincoln High Volume monitor. (See Exhibits A-B attached to the brief filed simultaneously herewith).

5. As a significant member of the "Liberty Borough Area" community, Clairton Works was involved in the development and implementation of the State Implementation Plan ("SIP").

6. USX believes that exceedences, if they exist at the Lincoln monitor, are a result of the improper placement of this **one** air monitor. These results are not demographically or meteorological representative of the Liberty Borough area. If the data from this sole monitor is removed, the remaining monitors will demonstrate attainment.

7. One of the reasons U. S. Steel seeks to intervene is to impress upon the Court the need for an extension of time to allow EPA to evaluate the

proposed reclassification. This extension is needed to evaluate the proposed reclassification or to properly allocate or re-examine the various sources which resulted in improper data from the Lincoln monitor.

8. Section 188(d-f) of the Clean Air Act, 42 U.S.C.A. § 7513 (d-f), provides that extensions may be granted if the State has complied with all requirements of a SIP.

9. If this area is deemed serious nonattainment, the impact to U. S. Steel will be significant in terms of costs and long-term viability of Clairton Works. (See newspaper articles attached hereto as Exhibits C-D).

10. For the above reasons, the plaintiffs complaint directly and significantly affects U. S. Steel in terms of costs and jobs.

11. As a result, USX has a significantly protectable interest in the transaction at issue. Without U. S. Steel's input, EPA may classify the Liberty Borough area as serious nonattainment. This reclassification has a direct impact on U. S. Steel's property and contract rights, as well as its status as an EPA permittee.

12. U. S. Steel is so situated that the disposition of this action without its presence as a party, may, as a practical matter, impair or impede its ability to protect its significant interest in the Clairton Works.

13. EPA cannot adequately represent U. S. Steel's interests since its interests differ from U. S. Steel. EPA must focus on the public interest, not the concerns of industry in the "Liberty Borough Area."

14. This motion is timely pursuant to Rule 24 of the Federal Rules Of Civil Procedure since EPA filed its answer on April 23, 1996 and discovery has not begun.

15. U. S. Steel's intervention at this stage of the proceedings will not unduly delay or prejudice the adjudication of the rights of the existing parties.

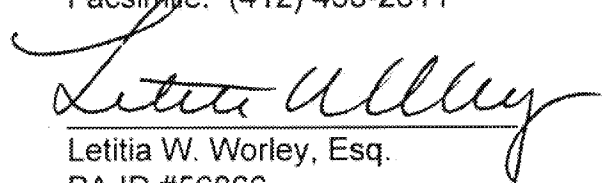
16. U. S. Steel meets the requirements of intervention pursuant to Rule 24 of the Federal Rules Of Civil Procedure since plaintiff has questions of law and fact in common with the defense of this action.

For all of the foregoing reasons, U. S. Steel's Motion for Leave to Intervene should be granted.

Dated: May 3, 1996



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CERTIFICATE OF SERVICE

I hereby certify that on May 3, 1996 a true copy of the foregoing was sent via certified mail to the following counsel of record:

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